

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REGINA LEWIS

Plaintiff,

-against-

OLD NAVY; DICKS, SYNCHRONY BANK

Defendants,

Amended Complaint

21Cv.9131 (LTS)

References:

1681s-2(b) *Sprague v. Salisbury Bank and Trust Co. No. 19-3241WL 4577169*, (2d Cir. Aug. 10, 2020)

In re Green, 369 U.S. 689 (1962)

Bell v. Preferred Life Assur. Soc'y, 320 U.S. 238 (1943)

28 U.S.C. § 1915 (e)(2)(B)(ii)

28 U.S. § Code 1331

Rule: The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

(June 25, 1948, ch. 646, 62 Stat. 930; Pub. L. 85-554, § 1, July 25, 1958, 72 Stat. 415; Pub. L. 94-574, § 2, Oct. 21, 1976, 90 Stat. 2721; Pub. L. 96-486, § 2(a), Dec. 1, 1980, 94 Stat. 2369.)

28 U.S. § Code 1332

Rule: (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

(1) citizens of different States;

This claim is neither frivolous nor malicious. 28 U.S.C. § 1915(a), (d).

On February 2, 2022, the court dismissed my claim for my failure to state a claim under 28 U.S.C. § 1915 (e)(2)(B)(ii). “No state or federal statute operates to deny me access to the district court, whatever the nature of my claim. In fact, federal law specifically permits a person to proceed in the district court in forma pauperis, without prepayment of fees and costs, providing only that

such person shows by affidavit that he is unable to afford such fees or costs and that the claim or defense is neither frivolous nor malicious. 28 U.S.C. § 1915(a), (d).

The district court's February 2, 2022, order suspends the operation of subsection (a) of section 1915.”; see *In Re Reverend Clovis Carl Green, Jr.*, 669 F.2d 779 (D.C. Cir. 1981). Had the court acknowledged its obligation to liberally construe *pro se* pleadings, the court would have liberally construed my pleadings under 28 U.S. § Code 1331 and 28 U.S. § Code 1332, since the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States 1331 and the matter is between—citizens of different States; 1332.

The district court also said that it generally grants a *pro se* plaintiff an opportunity to amend a complaint to cure its defects, but leave to amend is not required where it would be futile. Contrary to this opinion, that relies on 1681s-2(b) see *Sprague v. Salisbury Bank and Trust Co. No. 19-3241WL 4577169*, (2d Cir. Aug. 10, 2020), I did investigate account ending in 7902. On August 2, 2021, I paid \$100.00 on my account ending in 7902 at 12:56 pm. On August 2, 2021, I paid an additional \$159.00 on my account ending in 7902 at 2:29 pm. Yet despite proof of payment the defendants continue to report the incorrect balance, now affecting my accounts ending in 6884, 7216 and 7698 and 7716 causing the credit line to be reduced or the entire account closed. The dispute process has been unsuccessful. The amount being reported is inaccurate.

History of my investigation 1681s-2(b)

1. On August 26, 201, I filed a dispute with Synchrony Bank
2. August 27, 201, I provided documentation to Synchrony Bank
3. August 27, 2021, Synchrony response for additional documentation
4. September 30th, 2021, I filed consumer complaints with Synchrony, Experian, Better Business Bureau, Innovis Consumer Assistance
5. September 30th, 2021, Synchrony reversed credit payment stolen.
6. September 21, 2021, October 7, 2021, Experian response 3530-3755-76
7. October 5, 2021, acknowledgement from Synchrony
8. October 7, 2021, Synchrony response
9. October 27, 2021, filed consumer complaint 42096544 Better Business Bureau
10. October 22, 2021, Innovis Consumer Assistance Response

11. October 28, 2021, Better Business Bureau response 42096544

12. October 29, 2021, I filed a complaint with the Better Business Bureau

In an effort t to prevent further negativity affecting my credit rating, I neglected to include my proof of investigation as per 1681s-2(b). I am enclosing a few documents to verify the investigative history. Therefore, I conclude my amended complaint and I have cured all defects.

Since my credit score has suffered and my remaining accounts negatively impacted, I seek damages with an accurate report and \$75,000, since the matter involves negligence. The court has jurisdiction over all laws pursuant to 28 U.S. § Code 1331 and jurisdiction over the amount in controversy and the diverse citizenship pursuant to 28 U.S. § Code 1332, See *Bell v. Preferred Life Assur. Soc'y*, 320 U.S. 238 (1943).

Sincerely,

Regina Lewis

Cardholder Services Alert - Pre Auth Debit

From: support@my.usdirectexpress.com

To: lenapediane@yahoo.com

Date: Monday, August 2, 2021, 12:56 PM EDT

Dear REGINA LEWIS,

This is to inform you that the following pre-auth debit posted transaction is performed on your card number *3861.

Transaction Date/Time:	08-02-2021 12:56 PM (CST)
Transaction Amount:	\$100.00
Transaction Description:	POS Purchase
Current Balance:	\$673.90
Merchant:	SYNCB PHONE PAYMENT, ALPHARETTA, GA, USA

I2c Inc.

8/28/2021

Synchrony

Your Navyist Rewards Credit Card payment has posted

From: Synchrony for your OLD NAVY (customer.service@mail.synchronybank.com)

To: lewisregina31@yahoo.com

Date: Saturday, August 28, 2021, 05:22 PM EDT

6018596474217902

Account ending in: 7902 | [Log in](#)

Your payment has posted

Hi Regina,

Thanks for making a payment for your Navyist Rewards Credit Card account.

Payment Amount:

\$159.58

Posted Date:

08/02/2021

[Log In Now](#)

Head off identity theft before it happens. For more information about identity theft, please visit the Federal Trade Commission's (FTC) consumer [website](#).

This is an unmonitored email box. Please do not reply to this email.

ABOUT THIS EMAIL MESSAGE: This email was sent by Synchrony to provide important account servicing information regarding your Navyist Rewards Credit Card account. You may receive account servicing emails even if you have requested not to receive marketing offers by email for your Navyist Rewards Credit Card account.

Credit is extended by Synchrony Bank, which is located at 170 Election Road, Suite 125, Draper, UT 84020-6425, USA. www.synchrony.com

Inbox (240)



Cardholder Services Alert



support@my.usdirectexpress.com

To lenapediane@yahoo.com

Jan 2 at 7:58 PM

www.usdirectexpress.com

DIRECT EXPRESS

Dear REGINA LEWIS

The following pre-authorization completion transaction was posted on your **Direct Express Benefit Recipient *3861** against a pre-auth debit posted earlier. If you have any questions or concerns, please log into your cardholder website or contact customer support.

Transaction Date/Time: 01-01-2022 07:56 PM (CST)

Transaction Amount: \$-100.00

Transaction Description: POS Purchase

Pre-Auth Transaction Date/Time: \$orgTransDateTime

Current Balance: \$263.22

Merchant: SYNCE PHONE PAYMENT, 8002927503, GA, USA

Thank You,

Direct Express Customer Care Team

To manage your alerts or notification preferences, log onto the www.usdirectexpress.com

Please do not reply to this system-generated email directly. You can always call our 24/7 customer service at +1 866 606 3311 or write to us at support@my.usdirectexpress.com

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Contract



Delete



Move to



Forward



Reply



More

Application to Appeal In Forma Pauperis

Lewis v. old Navy, Synchrony Bank Appeal No. _____

District Court or Agency No. _____

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: Regina Lewis

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: 2-9-22

My issues on appeal are: (required): abuse of the Court's discretion
28 U.S.C. 1332. The Court has subject matter jurisdiction
Diversity of Citizenship.
28 USC 1331, the Law of the United States laws

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Self-employment	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>NA</u>	\$ <u>0</u>	\$ <u>NA</u>

Interest and dividends	\$ 0	\$ NA	\$ 0	\$ NA
Gifts	\$ 0	\$ NA	\$ 0	\$ NA
Alimony	\$ 0	\$ NA	\$ 0	\$ NA
Child support	\$ 0	\$ NA	\$ 0	\$ NA
Retirement (such as social security, pensions, annuities, insurance)	\$ 0	\$ NA	\$ 0	\$ NA
Disability (such as social security, insurance payments)	\$ 881	\$ NA	\$ 881	\$ NA
Unemployment payments	\$ 0	\$ NA	\$ 0	\$ NA
Public-assistance (such as welfare)	\$ 0	\$ NA	\$ 0	\$ NA
Other (specify):	\$ 0	\$ NA	\$ 0	\$ NA
Total monthly income:	\$0	\$0	\$0	\$0

2. List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
NA			\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of employment	Gross monthly pay
NA			\$
			\$
			\$

4. How much cash do you and your spouse have? \$ _____

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
NA		\$	\$
		\$	\$
		\$	\$

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	Other real estate	Motor vehicle #1
(Value) \$	(Value) \$	(Value) \$
NA		Make and year:
		Model:
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$	(Value) \$	(Value) \$
Make and year:		
Model:		
Registration #:		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NA	\$	\$
	\$	\$
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support.

Name [or, if a minor (i.e., underage), initials only]	Relationship	Age
NA		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (including lot rented for mobile home)	\$ 1002	\$ NA
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 65.00	\$ NA
Home maintenance (repairs and upkeep)	\$ 100.00	\$ NA
Food	\$ 100.00	\$ NA
Clothing	\$ 75.00	\$ NA
Laundry and dry-cleaning	\$ 30.00	\$ NA
Medical and dental expenses	\$ 100.00	\$ NA

Transportation (not including motor vehicle payments)	\$ 40.00	\$ NA
Recreation, entertainment, newspapers, magazines, etc.	\$ 40.00	\$ NA
Insurance (not deducted from wages or included in mortgage payments)		NA
Homeowner's or renter's:	\$ NA	\$ NA
Life:	\$ NA	\$ NA
Health:	\$ NA	\$ NA
Motor vehicle:	\$ NA	\$ NA
Other:	\$ NA	\$ NA
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ NA	\$ NA
Installment payments		NA
Motor Vehicle:	\$ NA	\$ NA
Credit card (name): old navy, mattress firm	\$ dispute	\$ NA
Department store (name): macy's	\$ 100.00	\$ NA
Other:	\$ 0	\$ NA
Alimony, maintenance, and support paid to others	\$ 0	\$ NA
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 40.00	\$ NA
Other (specify): DICKS	\$ in dispute	\$ NA
Total monthly expenses:	\$ 0	\$ 0

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

[] Yes

☒ No

If yes, describe on an attached sheet.

10. Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? [] Yes ☒ No

If yes, how much? \$ _____

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

12. *Identify the city and state of your legal residence.*

City Newburgh State Ny

Your daytime phone number: _____

Your age: 56 Your years of schooling: NED

Last four digits of your social-security number: _____

Regina Laws

21 Kennedy St

New York, NY 10007

**USMP3
SDNY**

Pro Se



*U.S. District Court
500 Pearl St
New York, NY 10007*